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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,877	01/03/2000	LAWRENCE M. AUSUBEL	3788-7004	8423
7590	01/04/2006		EXAMINER	
STANLEY B. GREEN, ESQ. CONNOLLY BOVE LODGE & HUTZ P.O. BOX 19088 WASHINGTON, DC 20036			POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/476,877	AUSUBEL, LAWRENCE M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Frantzy Poinvil	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 October 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 87-194 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 87-194 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This application is in condition for allowance except for the following formal matters:

As per claim 87, line 7, the Examiner suggests replacing “those” with - -said- -. On line 13, “a” should be changed to - -said- -. On line 19, - -said- - should be inserted before “user”. On line 21, “an” should be changed to - -said- -. On line 26, “an” should be changed to - -said- -. On line 28, “an” should be changed to - -said- -.

As per claim 97, line 7, the Examiner suggests replacing “those” with - -said- -. On line 13, “a” should be changed to - -said- -. On line 16, - -said- - should be inserted before “user”. On line 29, “an” should be changed to - -said- -.

As per claim 100, line 3, “the” should be deleted.

As per claim 107, line 5, “a” should be changed to - -said- -. On line 9, “a” should be changed to - -said- -. On line 10, “a” should be changed to - -said- -. On line 11, “the” should be deleted. On line 13, “a” should be changed to - -said- -. On line 15, “a” should be changed to - -said- -. On line 29, “an” should be changed to - -said- -.

As per claim 117, line 4, - -said- - should be inserted after “transmitting”. On line 5, “a” should be changed to - -said- -. On line 7, “the” before “user” should be changed to - -a- -. On line 9, “a” should be changed to - -said- -. On line 10, “a” should be changed to - -said- -. On line 11, “the” should be deleted. On line 14, “a” should be changed to - -said- -. On line 16, “a” before “computer” should be changed - -said- -.

As per claim 120, “the” should be deleted.

As per claim 127, line 8, “a” should be changed to - -said- -. On line 11, “a” should be changed to - -said- -.

As per claim 137, line 6, “the” before “user” should be changed to - -a- -. On line 11, “a” before “computer” should be changed - -said- -. On line 13, “the constraint” should be changed to - -constraints- -.

As per claim 147, line 6, “the” before “user” should be changed to - -a- -. On line 8, “a” should be changed to - -said- -. On line 10, “a” should be changed to - -said- -. On line 11, “the” before “selecting” should be deleted. Also on line 11, “the” before “value” should be replaced with - -one or more- -.

As per claim 157, line 4, - -said- - should be inserted before “users”. On line 6, “the” before “user” should be changed to - -a- -. On line 8, “a” should be changed to - -said- -. On line 10, “a” should be changed to - -said- -. On line 11, “the” before “value” should be replaced with - -one or more- -.

As per claim 160, ‘the” before “respective” should be deleted.

As per claim 167, line 6, “a” should be change to - -said- -. On line 7, “a” should be changed - -said- -. On line 9, “the” before “user” should be changed to - -a- -. On line 13, “a” should be changed to - -said- -.

As per claim 174, line 7, “a” should be changed to - -said- -. On line 9, “the” before “user” should be changed to - -a- -. Also on line 9, “a” should be changed to - -said- -. On line 12, “the constraint” should be changed to - -constraints- -. On line 14, “a” should be changed - -said- -. On line 16, “a” should be changed to - -said- -.

As per claim 181, line 7, “a” should be changed to - -said- -. On line 8, “the” before “user” should be changed to - -a- -. On line 9, “a” should be changed to - -said- -. On line 13, “a” should be changed to - -said- -. On line 15, “a” before “computer” should be changed to - -said- -.

As per claim 188, line 6, - -said- - should be inserted before “users”. On line 7, “a” should be changed to - -said- -. On line 9, “a” should be changed to - -said- -. On line 12, “the constraint” should be changed to - -constraints- -. On line 14, “a” should be changed to - -said- -. On line 16, “a” should be changed to - -said- -.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. Claims 87-194 are allowable over the art of record.
3. The prior art taken alone or in combination failed to teach or suggest a function of selecting bids to maximize a function of values of the selected bids; determining at a computer in response to bid information whether an auction should continue or terminate and; means for transmitting signals based on bid information and means for determining based on the signals items to be assigned to users as recited in the instant claims.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Frantzy Poinvil  
Primary Examiner  
Art Unit 3628**

FP  
December 27, 2005